

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 4 D.C.
05 JUL 20 PM 12:34
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

PYRAMID MACHINE, INC.,)
)
PLAINTIFF,)
)
v.)
)
RADICAL SYSTEMS, INC.)
)
DEFENDANT.)

CIVIL ACTION NO. 1-05-1156-TN

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)):

The parties will provide their initial disclosures as required by Fed. R. Civ. P. 26 (a)(1) by August 12, 2005.

JOINING PARTIES:

for Plaintiff: Plaintiff shall be allowed until September 29, 2005 to join additional parties.

for Defendant: Defendant shall be allowed until October 31, 2005 to join additional parties.

AMENDING PLEADINGS:

for Plaintiff: Plaintiff shall be allowed until September 29, 2005 to amend the pleadings.

For Defendant: Defendant shall be allowed until October 31, 2005 to amend the pleadings.

COMPLETING ALL DISCOVERY: All discovery shall be completed by March 31.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 07-22-05

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2006.

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:**

- (i) Must be completed by both parties by March 31, 2006.
- (ii) Each party is limited to serving 40 interrogatories.

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

- (i) Plaintiff's Experts: Plaintiff shall disclose all information required by Fed.R. Civ. P. 26 (a)(2) by December 1, 2005.
- (ii) Defendant's Experts: Defendant shall disclose all information required by Fed. R. Civ. P. 26 (a)(2) by February 1, 2006.
- (iii) Supplementation under Rule 26(e): 10 days after Defendant's disclosure

(c) **DEPOSITIONS OF EXPERTS:** Depositions of all experts disclosed by the parties shall be completed by March 31, 2006.

FILING DISPOSITIVE MOTIONS: Must be filed by March 31, 2006.

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: 45 days before trial
- (b) for Defendant: 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 5 days and is SET for ~~NON-JURY TRIAL~~ on Monday, June 26, 2006 at 9:30 A.M. A joint pretrial order is due on Friday, June 16, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

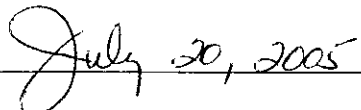
The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01156 was distributed by fax, mail, or direct printing on July 22, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT